

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MARY SHEPPARD,

Plaintiff,

vs.

ORDER

Civil File No. 04-4145 (MJD/AJB)

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Jennifer G. Mrozik, Esq., Counsel for Plaintiff.

Lonnie F. Bryan, Esq., Assistant United States Attorney, Counsel for the
Defendant.

The above-entitled matter comes before the Court upon the November 14, 2005, Report and Recommendation of United States Magistrate Judge Arthur J. Boylan. The Report and Recommendation recommended that Plaintiff's Motion for Summary Judgment be granted and that Defendant's Motion for Summary Judgment be denied.

Defendant, Jo Anne Barnhart, filed timely objections to the Report and Recommendation. Plaintiff, Mary Sheppard has not filed a reply to Barnhart's objections.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated November 14, 2005.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

- 1) The Magistrate Judge's November 14, 2005, Report and Recommendation is hereby **ADOPTED**.
- 2) Plaintiff's Motion for Summary Judgment [Docket No. 18] is **GRANTED**.
- 3) Defendant's Motion for Summary Judgment [Docket No. 21] is **DENIED**.

Dated: December 21, 2005

s / Michael J. Davis
Judge Michael J. Davis
United States District Court